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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CHIROPRACTIC MEDICINE**

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**MINUTES
GENERAL BUSINESS MEETING**

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**The Peabody
9801 International Drive
Orlando, Florida 32819**

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November 1, 2013

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Agenda items are subject to being taken up at any time during the meeting. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

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General Board Business started: 8:31 a.m.

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CALL TO ORDER:

22
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24

Dr. Kevin Fogarty, as Vice-Chair in the absence of the chair, called the meeting to order at 8:31 a.m. Those present for all or part of the meeting included the following:

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BOARD MEMBERS PRESENT:

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33

Kevin Fogarty, D.C., FICA (hon.), Vice-Chair
Ron Wellikoff, B.S., D.C., FICC (hon.), FACC (hon.)
Christopher Fox, D.C.
Danita Heagy, D.C.
Julie Hunt, D.C., DICCP
Ms. Linda Reynolds, B.S.
Ms. Ruth Pelaez

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BOARD STAFF:

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William Miller, Board Director
Sharon Guilford, Program Operations Administrator
Michele Jackson, Regulatory/Supervisor Consultant

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BOARD COUNSEL:

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41
42

Deborah Loucks, Assistant Attorney General
Office of Attorney General

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44
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46
47

PROSECUTING ATTORNEY:

44
45
46
47

Tari Rossitto-Van Winkle, Assistant General Counsel
Monique Bryan, Assistant General Counsel
Department of Health

48
49
50
51

COURT REPORTER:

49
50
51

Official Court Reporting
(954) 467-8204

1 **ELECTION OF OFFICERS:**

2
3 **Chair**

4
5 **Dr. Wellikoff moved to nominate Dr. Fogarty, as chair. The motion was seconded**
6 **and carried 7/0.**

7
8 **Vice-Chair**

9
10 **Dr. Wellikoff moved to nominate Ms. Reynolds, as vice-chair. The motion was**
11 **seconded and carried 7/0.**

12
13 **APPROVAL OF MINUTES:**

14
15 **August 15, 2013 – Rules Committee Meeting**

16
17 **Dr. Wellikoff moved to approve. The motion was seconded and carried 7/0.**

18
19 **August 16, 2013 – Full Board Meeting**

20
21 **Dr. Wellikoff moved to approve as amended. The motion was seconded and carried**
22 **7/0.**

23
24 **General Board Business ended: 8:39 a.m.**

25 **Disciplinary started: 8:39 a.m.**

26
27 **FINAL ORDER ACTIONS:**

28
29 **Motions for Final Order by Settlement Agreement:**

30
31 **Marie N. Dorcely, D.C. – Case Number 11-07690**

32 **PCP: Reynolds/Jenkins**

33
34 The case was pulled from the agenda.

35
36 **Johnny Granone, D.C. – Case Number 10-00223**

37 **PCP: Fogarty/Wolfson**

38
39 Dr. Granone was present, sworn and was represented by Mr. Edwin Bayo, Esq.

40
41 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 42
 - Sections 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
 - 43 • Section 460.413(1)(n), F.S. (dismissed)
 - 44 • Section 460.413(1)(r), F.S. (dismissed)

45
46 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
47 following provisions:

- letter of concern
- administrative fine of \$5,000.00
- administrative costs of \$7,869.42
- completion of six (6) continuing education hours in the areas of recordkeeping, documentation and coding within one year of the filing of the Final Order
- probation for a period of two (2) years
- dismissing Counts II and III
- attend one (1) chiropractic board meeting within two (2) years
- imposed monitoring
- monitor shall submit reports
- monitor and respondent shall appear before the board at such time as directed by the board
- after one year probation, respondent may request for early termination from probation with the advice of the monitor
- tolling provision applies

Mr. Bayo addressed the board on behalf of his client. The respondent also addressed the board.

Discussion ensued.

Dr. Heagy moved to accept the settlement agreement. The motion was seconded and carried 6/0.

Sherwin G. Mendell, D.C. – Case Number 11-13751
PCP: Reynolds/Jenkins

Dr. Mendell was neither present nor represented by counsel.

Ms. Rossitto-Van Winkle requested the board to excuse the respondent from the meeting as he was taking care of his sick wife.

The board concurred.

Dr. Wellikoff moved to accept the respondent not appearing before the board as indicated in the Settlement Agreement. The motion was seconded and carried 6/0.

Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- Section 460.413(1)(d), F.S. through violating Rules 64B2-15.001(2)(c), 64B2-15.001(2)(d), 64B2-15.001(2)(e) and 64B2-15.001(2)(i), F.A.C.
- Section 460.413(1)(cc), F.S.
- Section 460.413(1)(t), F.S.

Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the following provisions:

- letter of concern
- personal appearance
- administrative fine of \$1,000.00
- administrative costs of \$2,861.31
- restrictions on practice – hypnosis being outside the scope of practice

1 Discussion ensued.

2
3 **Dr. Wellikoff moved to accept the settlement agreement. The motion was seconded and**
4 **carried 6/0.**

5
6 **Craig J. Oswald, D.C. – Case Number 12-10512**
7 **PCP: Harding/Shreeve**
8

9 Dr. Oswald was present, sworn and was represented by Mr. Kenneth Metzger, Esq.

10
11 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 12 • Sections 460.413(1)(m), 460.413(1)(ff), F.S. and/or Rule 64B2-17.0065, F.A.C.
- 13 • Section 460.413(1)(r), F.S.

14
15 Ms. Rossitto-Van Winkle advised the board that the settlement agreement contained the
16 following provisions:

- 17 • letter of concern
- 18 • personal appearance
- 19 • Indefinite suspension until respondent appears with the board approved monitor and an
- 20 explanation how he plans to comply with the terms of the probation/practice restrictions
- 21 • Successfully pass the SPEC and Laws & Rules examination
- 22 • administrative fine of \$5,000.00
- 23 • administrative costs of \$3,786.14
- 24 • completion of six (6) continuing education hours in the areas of recordkeeping,
- 25 documentation and coding within one year of the filing of the Final Order
- 26 • probation for a period of two (2) years
- 27 • attend one (1) chiropractic board meeting within two (2) years
- 28 • imposed monitoring
- 29 • monitor shall submit reports
- 30 • monitor and respondent shall appear before the board at such time as directed by the
- 31 board
- 32 • tolling provision applies

33
34 Mr. Metzger addressed the board on behalf of his client. The respondent also addressed the
35 board.

36
37 Discussion ensued.

38
39 **Ms. Reynolds moved to accept the settlement agreement. The motion was seconded and**
40 **carried 7/0.**

41
42 **Motions for Final Order by Voluntary Relinquishment:**

43
44 **Samuel Oklesh, D.C. – Case Number 13-12337**
45 **PCP: Waived**
46

47 Dr. Oklesh was neither present nor represented by counsel.

48
49 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 1 • Sections 456.035(1), 456.072(1)(z)(dd), and 460.413(1)(q)(ff), F.S.

2
3 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the voluntary
4 relinquishment of the license.

5
6 **Ms. Reynolds moved to accept the respondent's voluntary relinquishment. The motion was**
7 **seconded and carried 7/0.**

8
9 **Loni H. Satterfield, D.C. – Case Number 12-10171**
10 **PCP: Waived**

11
12 Dr. Satterfield was neither present nor represented by counsel.

13
14 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 15 • Sections 460.413(1)(i)(q)(ff), F.S.

16
17 Ms. Rossitto-Van Winkle stated that the respondent requested the board to accept the voluntary
18 relinquishment of the license.

19
20 **Dr. Wellikoff moved to approve the respondent's voluntary relinquishment. The motion**
21 **was seconded and carried 7/0.**

22
23 **Motion for Final Order by Informal Hearing:**

24
25 **Miguel Betancourt, C.C.P.A. – Case Number 12-09467**
26 **PCP: Fogarty/Wolfson**

27
28 Mr. Betancourt was neither present nor represented by counsel.

29
30 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 31 • Sections 460.413(1)(i), and 460.413(1)(ff), F.S.

32
33 **Dr. Wellikoff moved to accept the investigative report and all case materials including all**
34 **confidential and addendum materials, if any, into evidence in these proceedings. The**
35 **motion was seconded and carried 6/0.**

36
37 **Dr. Heagy moved that the respondent was properly served. The motion was seconded and**
38 **carried 6/0.**

39
40 **Dr. Hunt moved to adopt the findings of fact into evidence as alleged in the administrative**
41 **complaint are not in dispute to adopt the conclusions of law and find that the respondent**
42 **was in violation as alleged in the administrative complaint. The motion was seconded and**
43 **carried 6/0.**

44
45 **Dr. Hunt moved that the violation constitutes a violation of the Practice Act. The motion**
46 **was seconded and carried 6/0.**

47
48 Ms. Rossitto-Van Winkle recommended the following provisions:

- 49 • Revocation

1
2 **Dr. Hunt moved to accept the department's recommendation. The motion was**
3 **seconded and carried 6/0.**

4
5 **Carlos M. Gonzalez, D.C. – Case Number 09-16820**
6 **PCP: Reynolds/Jenkins**
7

8 Dr. Gonzalez was neither present nor represented by counsel.
9

10 Ms. Rossitto-Van Winkle informed the board that this was on the agenda based on
11 remand from the 1st DCA.
12

13 Ms. Rossitto-Van Winkle informed the board that the respondent had violated:

- 14 • Sections 460.413(1)(m), and 460.413(1)(ff), F.S.
 - 15 • Sections 460.413(1)(ff), and 460.413(1)(i), F.S.
- 16

17 **Dr. Wellikoff moved to accept the investigative report and all case materials including all**
18 **confidential and addendum materials, if any, into evidence in these proceedings. The**
19 **motion was seconded and carried 6/0.**
20

21 **Dr. Wellikoff moved that the respondent was properly served. The motion was seconded**
22 **and carried 6/0.**
23

24 **Dr. Hunt moved to adopt the findings of fact into evidence as alleged in the administrative**
25 **complaint are not in dispute to adopt the conclusions of law and find that the respondent**
26 **was in violation as alleged in the administrative complaint. The motion was seconded and**
27 **carried 6/0.**
28

29 **Dr. Hunt moved that the violation constitutes a violation of the Practice Act. The motion**
30 **was seconded and carried 6/0.**
31

32 Ms. Rossitto-Van Winkle recommended the following provisions:

- 33 • reprimand
 - 34 • administrative fine of \$3,500.00
 - 35 • administrative costs of \$3,945.06
 - 36 • suspension for a period of three (3) months; stayed
 - 37 • completion of eleven (11) continuing education hours in the areas of 3 hours of risk
 - 38 management, 2 hours must be in laws and rules; 6 hours in recordkeeping, documentation
 - 39 and coding, 2 hours in ethics within one year of the filing of the Final Order
 - 40 • probation for a period of four (4) years with a board approved monitor with quarterly
 - 41 reports
 - 42 • must attend 2 additional board meetings
 - 43 • may request lifting the probation after 2 years upon the acceptance of the board
- 44

45 Discussion ensued.
46

47 **Dr. Hunt moved to accept the department's recommendation. The motion was**
48 **seconded.**

1
2 **Dr. Hunt moved to withdraw the previous motion.**

3
4 **Dr. Wellikoff moved to accept the recommendations from the department with the**
5 **exception of extending the payment of the administrative fine for a period of 2**
6 **years. The motion was seconded and carried 6/0.**

7
8 **Dr. Wellikoff moved to issue an administrative cost of \$3,891.88 payable in equal**
9 **monthly installments over a two year period. The motion was seconded and carried**
10 **6/0.**

11
12 **PROSECUTION REPORT:**

13
14 Ms. Rossitto-Van Winkle provided an overview of the prosecution report.

15
16 **Dr. Hunt moved to continue putting special emphasis on prosecuting the older cases (one**
17 **year and over) and to accept the prosecution report. The motion was seconded and carried**
18 **7/0.**

19
20 **Disciplinary ended: 10:36 a.m.**

21 **General Business started: 10:36 a.m.**

22
23
24 **PETITION FOR DECLARATORY STATEMENT:**

25
26 **Florida Chiropractic Association, Inc. – Groupon, Inc. – “Kick Back” and**
27 **“Patient Brokering”**

28
29 Mr. Paul Watson Lambert, Esq. with the Florida Chiropractic Association, Inc., (FCA)
30 had filed a Petition for Declaratory Statement on behalf of FCA but had requested the
31 Petition to be withdrawn.

32
33
34 **PETITION FOR VARIANCE/WAIVER:**

35
36 **Geraldine Krista-Piazzzi, D.C. – Rule 64B2-13.004, Florida Administrative**
37 **Code – Continuing Education**

38
39 Dr. Krista-Piazzzi was present, sworn and addressed the board.

40
41 Discussion ensued.

42
43 **Ms. Reynolds moved to deny Dr. Krista-Piazzzi’s request to Petition for Variance/Waiver of**
44 **Rule 64B2-13.004, F.A.C., for failure to provide evidence of a financial hardship according**
45 **to Chapter 120.542, F.S. The motion was seconded and carried 7/0.**

46
47 **General Business ended: 10:49 a.m.**

1 **Application started: 10:49 a.m.**

2
3
4 **APPLICANT'S PRESENTED FOR BOARD REVIEW:**

5
6 **Tonya R. Kenan, R.C.A.**

7
8 Ms. Kenan was not present.

9
10 Discussion ensued.

11
12 **Dr. Fogarty moved to deny the application for violating Chapter 456, F.S. The**
13 **motion was seconded and carried 7/0.**

14
15 **Jane E. Schlosser, R.C.A.**

16
17 Ms. Schlosser was not present.

18
19 **Dr. Heagy moved to approve. The motion was seconded and carried 7/0.**

20
21 **RATIFICATION OF LICENSURE:**

22
23 **Chiropractic Physicians**
24 **(Tiffany Laura Blanco Kelly, CH 10942 – Randall Ray Shaffer, CH 11017)**

25
26 **Ms. Reynolds moved to approve. The motion was seconded and carried 7/0.**

27
28 **Certified Chiropractic Physician Assistants**
29 **(Shannon Fawn McGuigan, CI 736 – Kathy Mary Cowan, CI 738)**

30
31 **Dr. Wellikoff moved to approve. The motion was seconded and carried 7/0.**

32
33 **Registered Chiropractic Assistants**
34 **(Chelsea Megan Hair, RCA 11790 – Robin Sheree Lofton, RCA 12042)**

35
36 **Dr. Wellikoff moved to approve. The motion was seconded and carried 7/0.**

37
38 **Faculty Certificates**
39 **(Wayne Scott Harrison CFC 16)**

40
41 **Dr. Hunt moved to approve. The motion was seconded and carried 7/0.**

42
43 **Application ended: 11:10 a.m.**
44 **General Business started: 11:10 a.m.**

45
46 **CORRESPONDENCE:**

47
48 **Discussion of Hyperbaric Chamber**

1
2 Dr. Fogarty stated that he had placed on the agenda for discussion of Hyperbaric
3 Chamber and the type of training needed to perform this procedure.

4
5 The board requested the staff to contact the FCLB to allow them to reach out to any
6 doctor and/or schools regarding hyperbaric chamber.

7
8 The board tabled the discussion until the next scheduled meeting.

9
10 **CHAIR/VICE-CHAIR REPORT:**

11
12 **Fall FCLB District Meeting**

13
14 Dr. Fogarty provided an overview of the meeting.

15
16 **Dr. Wellikoff moved to delegate Dr. Fogarty and Dr. Fox to attend the FCLB in**
17 **Charlotte, North Carolina. The motion was seconded and carried 7/0.**

18
19 Dr. Fogarty requested the board staff to prepare the necessary paperwork to have the
20 travel approved by the department.

21
22 **Committee Assignments**

23
24 Dr. Fogarty made the following assignments:

- 25 • Budget: Linda Reynolds
26 • Continuing Education: Ronald Wellikoff, D.C.
27 • Disciplinary Compliance: Kevin Fogarty, D.C.
28 • Legislation: Danita Heagy, D.C. and Linda Reynolds (alternate)
29 • Probable Cause Panel:
30 o Panel A – Danita Heagy, D.C., Gene Jenkins, D.C. (chair)
31 o Panel B – Linda Reynolds, (chair), Michael Shreeve, D.C.
32 o Panel C – Christopher Fox, D.C., Sal LaRusso, D.C. (chair)
33 • CCPA: Linda Reynolds
34 • Unlicensed Activity: Ruth Pelaez
35 • Rules: Julie Hunt, D.C.
36 • Credentials: Ronald Wellikoff, D.C.

37
38 **Future Agenda Items**

39
40 No future agenda item.

41
42 **EXECUTIVE DIRECTOR'S REPORT:**

43
44 **Health Weight Panel**
45

1 Mr. Miller provided an overview of the Department of Health’s “Healthy Weight”
2 initiative and requested a board liaison to serve on the panel.

3
4 **Dr. Wellikoff moved to nominate Dr. Hunt as the healthy weight liaison. The**
5 **motion was seconded and carried 7/0.**

6
7 Dr. Wellikoff stated that he would be the alternate.

8
9 **BOARD COUNSEL’S REPORT:**

10
11 **• Rules Status Report**

12
13 Ms. Loucks provided an overview of the Rules Status Report.

14
15 **64B2-17.0025, F.A.C.**

16
17 Ms. Loucks stated that this was discussed in a previous board meeting with concerns of
18 the Standards of Practice.

19
20 Ms. Loucks stated that JAPC had written a response regarding Rule 64B2-17.0025,
21 F.A.C. Ms. Loucks recommended the board to withdraw the rule.

22
23 **Dr. Wellikoff moved to withdraw the Rule 64B2-17.0025, F.A.C. The motion was**
24 **seconded and carried 7/0.**

- 25
26 **• Discussion of Medical Records**
27 **• Medicine – 64B8-9.003, F.A.C. – Standards for Adequacy of Medical Records**
28 **• Osteopathic Medicine – 64B15-15.004, F.A.C. – Written Records; Minimum**
29 **Content; Retention**

30
31 Information only.

32
33 **COMMITTEE REPORTS:**

34
35 **Budget – Ms. Reynolds**

36
37 No report.

38
39 **CCPA – Ms. Reynolds**

40
41 No report.

42
43 **Continuing Education – Dr. Wellikoff**

44
45 **CE Courses and Providers Approved by CE Committee**
46

1 **Dr. Wellikoff moved to approve. The motion was seconded and carried 7/0.**

2
3 **University of Bridgeport – FCPA December Educational Symposium –**
4 **Board Review**

5
6 Dr. Wellikoff had concerns with the University of Bridgeport attendance records.

7
8 Dr. Wellikoff stated that he requested Dr. Hoffman to attend a course being offered by
9 University of Bridgeport. Due to the board appointments, the members never had an
10 opportunity to receive a follow-up from Dr. Hoffman.

11
12 Discussion ensued.

13
14 The board requested Mr. Miller to send a letter to the University of Bridgeport outlining
15 their deficiencies when offering courses to Florida Licensed Chiropractors and to request
16 their attendance at the January 2014 meeting.

17
18 **Dr. Fox moved to approve. The motion was seconded and carried 7/0.**

19
20 **Credentials – Dr. Wellikoff**

21
22 No report.

23
24 **Disciplinary Compliance – Dr. Fogarty**

25
26 No report.

27
28 **Examination – Dr. Heagy**

29
30 No report.

31
32 **Legislation – Dr. Fogarty/Ms. Reynolds**

- 33
34 • **Discussion of 460.406, F.S. – Licensure by examination (Foreign Trained**
35 **Practitioners)**
36 • **Discussion of 460.4062, F.S. – Chiropractic medical faculty certificate**
37 **(Continuing Education)**

38
39 No action.

40
41 **Probable Cause – Ms. Reynolds (A)/Dr. Fogarty (B)/Vacant (C)**

42
43 **Stats**

44
45 Information only.

1 **Rules – Dr. Fogarty**

2

3 No report.

4

5 **Unlicensed Activity – Ms. Pelaez**

6

7 No report.

8

9 **NEXT MEETING DATE – January 3, 2014 – Orlando**

10

11 **General Board Business ended: 12:30 p.m.**

12

13 **ADJOURNMENT:**

14

15 The meeting was adjourned at 12:30 p.m.